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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
10

11 ALEX VILLANUEVA,

12 Plaintiff,

13 v.

14 COUNTY OF LOS ANGELES,
COUNTY OF LOS ANGELES
15 SHERIFF'S DEPARTMENT, LOS
ANGELES COUNTY BOARD OF
16 SUPERVISORS, COUNTY EQUITY
OVERSIGHT PANEL, LOS
17 ANGELES COUNTY OFFICE OF
INSPECTOR GENERAL,
18 CONSTANCE KOMOROSKI,
MERCEDES CRUZ, ROBERTA
19 YANG, LAURA LECRIVAIN,
SERGIO V. ESCOBEDO, RON
20 KOPPERUD, ROBERT G. LUNA,
MAX-GUSTAF HUNTSMAN,
21 ESTHER LIM, and DOES 1 to 100,
inclusive,

22 Defendants.
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CASE NO. 2:24-cv-04979 SVW (JCx)

DEFENDANTS

**(1) ANSWER TO FIRST
AMENDED COMPLAINT;**

**(2) AFFIRMATIVE DEFENSES;
AND**

[DEMAND FOR JURY TRIAL]

Assigned to the Hon. Stephen V.
Wilson and Magistrate Judge Jacqueline
Chooljian

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1 **ANSWER**

2 Defendants COUNTY OF LOS ANGELES, COUNTY OF LOS ANGELES
3 SHERIFF'S DEPARTMENT, LOS ANGELES COUNTY BOARD OF
4 SUPERVISORS, COUNTY EQUITY OVERSIGHT PANEL, LOS ANGELES
5 COUNTY OFFICE OF INSPECTOR GENERAL, CONSTANCE KOMOROSKI,
6 MERCEDES CRUZ, ROBERTA YANG, LAURA LECRIVAIN, SERGIO V.
7 ESCOBEDO, RON KOPPERUD, ROBERT G. LUNA, MAX-GUSTAF
8 HUNTSMAN, and ESTHER LIM ("Defendants") hereby answer the First Amended
9 Complaint ("FAC") filed by Plaintiff Alex Villanueva ("Plaintiff"), as follows:

10 **INTRODUCTION**

11 Plaintiff's FAC contains a six-page introduction without any numbered
12 paragraphs, and which includes legal conclusions. This section is not incorporated
13 into Plaintiff's Factual Allegations and is improper. *See, e.g., McHenry v. Renne*, 84
14 F.3d 1172, 1176, 1179 (9th Cir.1996); *Williams v. L.A. Cnty. Dep't of Public Soc.*
15 *Servs.*, No. CV 14-7625 JVS (JC), 2015 WL 5604584, at *5. For all of these
16 reasons, no response to the statements contained in the Introduction is required. To
17 the extent that Plaintiff believes that his Introduction is part of his allegations,
18 Defendants deny each and every allegation listed therein.

19 **JURISDICTION AND VENUE**

20 1. Paragraph 1 contains legal conclusions to which no response is
21 required. To the extent a response is required, Defendants deny the allegations in
22 Paragraph 1.

23 2. Paragraph 2 contains legal conclusions to which no response is
24 required. Furthermore, Defendants lack sufficient information to form a belief as to
25 the truth of the allegations in Paragraph 2. For these reasons, to the extent a
26 response is required, Defendants deny the allegations in Paragraph 2.

27 **PARTIES**

28 3. Defendants lack sufficient information to form a belief as to the truth of

1 the allegations in Paragraph 3 and, on that basis, deny the allegations.

2 4. Defendants admit the allegations in Paragraph 4.

3 5. Paragraph 5 contains legal conclusions to which no response is
4 required. Furthermore, Defendants lack sufficient information to form a belief as to
5 the truth of the allegations in Paragraph 5. For these reasons, to the extent a
6 response is required, Defendants deny the allegations in Paragraph 5.

7 6. Paragraph 6 contains legal conclusions to which no response is
8 required. To the extent a response is required, Defendants deny the allegations in
9 Paragraph 6.

10 7. Paragraph 7 contains legal conclusions to which no response is
11 required. To the extent a response is required, Defendants deny the allegations in
12 Paragraph 7.

13 **FACTUAL ALLEGATIONS**

14 8. Defendants admit that Plaintiff joined the Los Angeles County Sheriff's
15 Department in 1986 and, during his tenure, he worked in the Inmate Reception
16 Center and held the titles of deputy sheriff, sergeant, and lieutenant. Defendants
17 deny the remaining allegations in Paragraph 8.

18 9. Defendants lack sufficient information to form a belief as to the truth of
19 the allegations in Paragraph 9 and, on that basis, deny the allegations.

20 10. Defendants admit that Plaintiff was elected Sheriff of the County of
21 Los Angeles in 2018. Defendants lack sufficient information to form a belief as to
22 the truth of the remaining allegations in Paragraph 10 and, on that basis, deny the
23 allegations.

24 11. Paragraph 11 contains legal conclusions to which no response is
25 required. Defendants deny Plaintiff's mischaracterizations of Ballot Measures A, R,
26 and J as described in Paragraph 11. Defendants lack sufficient information to form
27 a belief as to the truth of the remaining allegations in Paragraph 11 and, on that
28 basis, deny the allegations.

12. Defendants deny Plaintiff's mischaracterizations of vaccine mandates as described in Paragraph 12. Defendants lack sufficient information to form a belief as to the truth of the remaining allegations in Paragraph 12 and, on that basis, deny the allegations.

13. Defendants deny Plaintiff's mischaracterizations related to Fulgent and any contract it received as alleged in Paragraph 13. Defendants lack sufficient information to form a belief as to the truth of the remaining allegations in Paragraph 13 and, on that basis, deny the allegations.

14. Defendants deny the allegations in Paragraph 14.

15. Defendants lack sufficient information to form a belief as to the truth of the remaining allegations in Paragraph 15 and, on that basis, deny the allegations.

16. Defendants deny Plaintiff's mischaracterization of the article written by the Los Angeles Times about Plaintiff's misconduct, as described in Paragraph 16. Defendants lack sufficient information to form a belief as to the truth of the remaining allegations in Paragraph 16 and, on that basis, deny the allegations.

17. Defendants deny that the IAB investigations into Plaintiff's misconduct "determined that no policy violation occurred," as alleged in Paragraph 17. Defendants lack sufficient information to form a belief as to the truth of the remaining allegations in Paragraph 17 and, on that basis, deny the allegations.

18. Defendants admit that Plaintiff requested copies of the investigation files into the complaints made against him that are the subject of the FAC.

Defendants deny Plaintiff's characterization that the files were "heavily redacted." Defendants lack sufficient information to form a belief as to the truth of the remaining allegations in Paragraph 18 and, on that basis, deny the allegations.

a. Defendants deny the allegations in Paragraph 18(a) to the extent they are inconsistent with the IAB's investigative report, which speaks for itself.

b. Defendants deny the allegations in Paragraph 18(b).

1 c. Defendants deny the allegations in Paragraph 18(a) to the extent
2 they are inconsistent with the IAB's investigative report, which speaks
3 for itself.

4 d. Defendants admit that, on or around October 23, 2023,
5 complainants Esther Lim and Max Huntsman received notification of
6 the CEOP's findings regarding Plaintiff's misconduct. Defendants lack
7 sufficient information to form a belief as to the truth of the remaining
8 allegations in Paragraph 18(a) and, on that basis, deny the allegations.

9 19. Paragraph 19 contains legal conclusions or argument to which no
10 response is required. To the extent a response is required, Defendants deny the
11 allegations in Paragraph 19 to the extent they are inconsistent with the IAB's
12 investigative report, which speaks for itself. Defendants further deny Plaintiff's
13 allegations that Max Huntsman made any statements "falsely," or "has publicly
14 retained the use" of the name Max-Gustaf Huntsman in any form as alleged in
15 Paragraph 19.

16 a. Defendants deny the allegations in Paragraph 19(a) to the extent
17 they are inconsistent with the IAB's investigative report, which speaks
18 for itself. Defendants deny the remaining allegations in Paragraph
19 19(a).

20 b. Defendants deny the allegations in Paragraph 19(b) to the extent
21 they are inconsistent with the IAB's investigative report, which speaks
22 for itself. Defendants deny the remaining allegations in Paragraph
23 19(b).

24 c. Defendants deny the allegations in Paragraph 19(c) to the extent
25 they are inconsistent with the IAB's investigative report, which speaks
26 for itself. Defendants deny the remaining allegations in Paragraph
27 19(c).

FIRST CAUSE OF ACTION

(Retaliation in Violation of the First Amendment)

20. Defendants hereby incorporate by reference Paragraphs 1 through 19 as if fully set forth herein.

21. Paragraph 21 contains legal conclusions or argument to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 21.

22. Paragraph 22 contains legal conclusions or argument to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 22.

23. Paragraph 23 contains legal conclusions or argument to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 23.

24. Paragraph 24 contains legal conclusions or argument to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 24.

25. Paragraph 25 contains legal conclusions or argument to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 25.

26. Paragraph 26 contains legal conclusions or argument to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 26.

27. Paragraph 27 contains legal conclusions or argument to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 27.

28. Paragraph 28 contains legal conclusions or argument to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 28.

1 29. Defendants deny that Plaintiff has suffered any injury resulting in any
2 damages. Defendants deny the remainder of the allegations in Paragraph 29.

3 30. Paragraph 30 contains legal conclusions or argument to which no
4 response is required. To the extent a response is required, Defendants deny the
5 allegations in Paragraph 30.

6 **SECOND CAUSE OF ACTION**

7 **(Defamation, Libel, and Slander)**

8 31. Defendants hereby incorporate by reference Paragraphs 1 through 30 as
9 if fully set forth herein.

10 32. Paragraph 32 contains legal conclusions or argument to which no
11 response is required. To the extent a response is required, Defendants deny the
12 allegations in Paragraph 32.

13 33. Defendants deny that Plaintiff has suffered any injury, including any
14 monetary injury or loss of benefits. Defendants deny the remainder of the
15 allegations in Paragraph 33.

16 34. Paragraph 34 contains legal conclusions or argument to which no
17 response is required. To the extent a response is required, Defendants deny the
18 allegations in Paragraph 34.

19 35. Paragraph 35 contains legal conclusions or argument to which no
20 response is required. To the extent a response is required, Defendants deny the
21 allegations in Paragraph 35.

22 **THIRD CAUSE OF ACTION**

23 **(Defamation-Coerced Self-Publication)**

24 36. Defendants hereby incorporate by reference Paragraphs 1 through 35 as
25 if fully set forth herein.

26 37. Paragraph 37 contains legal conclusions or argument to which no
27 response is required. To the extent a response is required, Defendants deny the
28 allegations in Paragraph 37.

1 38. Defendants deny that Plaintiff has suffered any injury, including any
2 monetary injury or loss of benefits. Defendants deny the remainder of the
3 allegations in Paragraph 38.

4 39. Paragraph 39 contains legal conclusions or argument to which no
5 response is required. To the extent a response is required, Defendants deny the
6 allegations in Paragraph 39.

7 40. Paragraph 40 contains legal conclusions or argument to which no
8 response is required. To the extent a response is required, Defendants deny the
9 allegations in Paragraph 40.

10 **FOURTH CAUSE OF ACTION**

11 **(Intentional Infliction of Emotional Distress)**

12 41. Defendants hereby incorporate by reference Paragraphs 1 through 40 as
13 if fully set forth herein.

14 42. Paragraph 42 contains legal conclusions or argument to which no
15 response is required. To the extent a response is required, Defendants deny the
16 allegations in Paragraph 42.

17 43. Paragraph 43 contains legal conclusions or argument to which no
18 response is required. To the extent a response is required, Defendants deny the
19 allegations in Paragraph 43.

20 44. Paragraph 44 contains legal conclusions or argument to which no
21 response is required. To the extent a response is required, Defendants deny the
22 allegations in Paragraph 44.

23 45. Paragraph 45 contains legal conclusions or argument to which no
24 response is required. To the extent a response is required, Defendants deny the
25 allegations in Paragraph 45.

26 **FIFTH CAUSE OF ACTION**

27 **(Negligent Infliction of Emotional Distress)**

28 46. Defendants hereby incorporate by reference Paragraphs 1 through 45 as

1 if fully set forth herein.

2 47. Paragraph 47 contains legal conclusions or argument to which no
3 response is required. To the extent a response is required, Defendants deny the
4 allegations in Paragraph 47.

5 48. Paragraph 48 contains legal conclusions or argument to which no
6 response is required. To the extent a response is required, Defendants deny the
7 allegations in Paragraph 48.

8 49. Paragraph 49 contains legal conclusions or argument to which no
9 response is required. To the extent a response is required, Defendants deny the
10 allegations in Paragraph 49.

11 50. To the extent a response is required, Defendants deny that Plaintiff is
12 entitled to any relief sought in his unnumbered Paragraph titled "Prayer for Relief"
13 and beginning with "WHEREFORE."

14 51. To the extent a response is required, Defendants deny that Plaintiff has
15 properly exhausted some or all of his claims, as stated in his unnumbered Paragraph
16 titled "Pre-Filing Exhaustion of Tort Claim Requirements" and beginning with
17 "Plaintiff, Alex Villanueva."

18 **AFFIRMATIVE DEFENSES**

19 Defendants assert the following affirmative defenses based upon information
20 presently available and reserve the right to assert additional affirmative defenses or
21 withdraw any of these affirmative defenses as further information becomes
22 available.

23 **FIRST AFFIRMATIVE DEFENSE**

24 ***(Failure to State a Claim)***

25 The Complaint, in whole or in part, fails to state a claim upon which relief can
26 be granted.

1 **SECOND AFFIRMATIVE DEFENSE**

2 ***(Sovereign Immunity)***

3 The Complaint, in whole or in part, fails because Defendants are entitled to
4 sovereign immunity under the Eleventh Amendment to the United States
5 Constitution.

6 **THIRD AFFIRMATIVE DEFENSE**

7 ***(Discretionary Act Immunity)***

8 The Complaint, in whole or in part, fails because Defendants are entitled to
9 discretionary act immunity under California Government Code section 820.2.

10 **FOURTH AFFIRMATIVE DEFENSE**

11 ***(No Vicarious Liability)***

12 The Complaint, in whole or in part, fails because Defendants are not
13 vicariously liable under California Government Code section 815.2.

14 **FIFTH AFFIRMATIVE DEFENSE**

15 ***(Immunity for Administrative Proceedings)***

16 The Complaint, in whole or in part, fails because Defendants are not liable for
17 instituting or prosecuting any administrative proceedings under California
18 Government Code section 821.6.

19 **SIXTH AFFIRMATIVE DEFENSE**

20 ***(Immunity for Statements by Public Employees)***

21 The Complaint, in whole or in part, fails because Defendants are not liable for
22 any harm resulting from alleged misrepresentations made in the scope of public
23 employment under California Government Code section 822.2.

24 **SEVENTH AFFIRMATIVE DEFENSE**

25 ***(No Violation Of A Legal Duty)***

26 The Complaint is barred, in whole or in part, because Defendants did not
27 violate any legal duty owed to Plaintiff.
28

EIGHTH AFFIRMATIVE DEFENSE

(Good Faith)

The Complaint, in whole or in part, is barred because Defendants undertook any challenged acts or omissions, in part or in total, in good faith and in conformity with applicable orders, rulings, regulations, and/or interpretations.

NINTH AFFIRMATIVE DEFENSE

(Waiver)

The Complaint is barred, in whole or in part, by the doctrine of waiver.

TENTH AFFIRMATIVE DEFENSE

(Laches)

The Complaint is barred, in whole or in part, by the doctrine of laches.

ELEVENTH AFFIRMATIVE DEFENSE

(Unclean Hands)

The Complaint is barred, in whole or in part, by the doctrine of unclean hands.

TWELFTH AFFIRMATIVE DEFENSE

(Impossibility by Operation of Law)

The Complaint is barred, in whole or in part, by the doctrine of impossibility of performance by operation of law.

THIRTEENTH AFFIRMATIVE DEFENSE

(Statutes of Limitations)

The Complaint is barred, in whole or in part, by applicable statutes of limitation.

FOURTEENTH AFFIRMATIVE DEFENSE

(No Standing)

The Complaint is barred because Plaintiff lacks standing.

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FIFTEENTH AFFIRMATIVE DEFENSE

(Mootness)

The Complaint is barred, in whole or in part, because some or all of the allegations or claims in the Complaint are moot.

SIXTEENTH AFFIRMATIVE DEFENSE

(Unjust Enrichment)

Any recovery by Plaintiff on the Complaint against Defendants would be unfair and would constitute unjust enrichment.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Estoppel)

The Complaint is barred, in whole or in part, by the doctrine of estoppel.

EIGHTEENTH AFFIRMATIVE DEFENSE

(Acquiescence)

The Complaint is barred, in whole or in part, by the doctrine of acquiescence.

NINETEENTH AFFIRMATIVE DEFENSE

(Conduct Not Wrongful)

The Complaint is barred, in whole or in part, because Defendants' conduct was not wrongful or otherwise unlawful.

TWENTIETH AFFIRMATIVE DEFENSE

(Superseding and Intervening Acts)

Any damage allegedly sustained by Plaintiff was caused, in whole or in part, by the superseding and intervening acts and omissions of persons or entities for whose conduct Defendants are not responsible.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(After-Acquired Evidence)

The Complaint is barred, in whole or in part, by the doctrine of after-acquired evidence.

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TWENTY-SECOND AFFIRMATIVE DEFENSE

(No Causation)

The Complaint is barred, in whole or in part, because Plaintiff's damages, if any, were not caused by Defendants.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(No Damages)

Without admitting that the Complaint states a claim, there has been no damage in any amount, manner, or at all by reason of any act alleged against Defendants in the Complaint, and the relief prayed for in the Complaint therefore cannot be granted.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

(Avoidable Consequences)

The Complaint is barred, in whole or in part, by the doctrine of avoidable consequences.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

(Absence of Malice)

Any acts or omissions by Defendants, if any, were not the result of oppression, fraud, or malice.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

(No Deprivation of Constitutional Rights)

Defendants were not the proximate cause of the Plaintiff's alleged deprivation of a constitutionally protected right, privilege, or immunity.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

(Qualified Immunity)

Defendants are entitled to qualified immunity.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

(Privilege)

The Complaint, in whole or in part, fails because Defendants' conduct is

1 privileged under California Civil Code sections 47(a)–(e).

2 **RESERVATION OF ADDITIONAL DEFENSES**

3 Defendants reserve their right to add, delete, or modify any and all defenses
4 which may pertain to the Complaint that are now or may become available in this
5 action through clarification or amendment of the Complaint, through discovery,
6 through further legal analysis of Plaintiff’s or Defendants’ claims and positions in
7 this litigation, or otherwise.

8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, Defendants pray that judgment be entered as follows:

- 10 A. Plaintiff takes nothing by reason of his Complaint;
11 B. The Complaint be dismissed with prejudice;
12 C. Defendants recover their costs of suit, including attorneys’ fees; and
13 D. Defendants be awarded such other and further relief as the Court deems
14 just and proper.

15
16
17 DATED: December 10, 2024

Respectfully Submitted,

18 MILLER BARONDESS, LLP

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21 By: /s/ Jason H. Tokoro

22 JASON H. TOKORO

23 Attorneys for Defendants
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